

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 0:15-CV-61235-BB

In the Receivership of:  
HUNTER HOSPITALITY, LLC, a Wyoming  
Limited Liability Company,

\_\_\_\_\_  
RALPH AND MARY LYNN DORSTEN, et al.,

Plaintiffs,

v.

SLF SERIES G, LLC, et al.,

Defendants.  
\_\_\_\_\_

**SUPPLEMENTAL MEMORANDUM  
CONCERNING MOTION TO  
TRANSFER VENUE**

As directed by the Court at the hearing held on August 19, 2015 [ECF No. 60], Defendants Lee Brower (“Lee”); SLF Series G, LLC (“Series G”); Pompano Waterway Development, LLC (“PWD”); Secured Lending Fund, LLC (“SLF”); NA-SLF, LLC (“NA-SLF”); K-Bro Enterprises LLC (“K-Bro”), and Zama, LLC (“Zama”) (collectively, the “SLF Defendants”), respectfully submit this Supplemental Memorandum Concerning Motion to Transfer Venue.

On August 28, 2015, Plaintiffs filed a proposed Second Amended Complaint. The changes proposed do not entirely obviate the need for the change in venue. The individual defendants—all of whom are parties to the case filed in the United States District Court, District of Utah, Case No. 2:15-cv-00153-PMW (the “Utah Action”), and all of whom that were served raised personal jurisdiction issues—will no longer be parties to this action if the Court permits

the filing of the proposed Second Amended Complaint and the dismissal of the individual defendants.

As indicated in the prior briefing, these individuals held various positions with the entities that remain as defendants and may be required to testify in this case. Thus, the convenience of the witnesses and the SLF Defendants still supports a transfer of this action to the United States District Court for the District of Utah.

The SLF Defendants continue to offer a resolution to allow the part of the action that involves priorities to the proceeds for the Florida property to remain in Florida. The Category II Plaintiffs should be dismissed from this case. They can file any of their claims not already part of the Utah Action in the Utah court.

The SLF Defendants recognize that the Category I Plaintiffs are different. They allege they “own Mortgage Notes and a fractional interest in the Mortgages.” (Proposed Second Amended Complaint ¶ 41, [ECF No. 65].) They are individually identified and their fractional interests set forth in the Mortgage Notes. (*See* Exhibits 7 and 8 to the proposed Second Amended Complaint [ECF No. 65-7 and 8].) Thus, they are individually in the chain of title, or the alleged chain of title.

The Category II Plaintiffs, on the other hand, “are investors who made investments in SLF Series G, and who received notes (the “Secured Notes”) issued by SLF Series G. These investments funded the acquisition of the Pompano Property by SLF Series G.” (Proposed Second Amended Complaint ¶ 6, [ECF No. 65].) These “Secured Notes” are not in the chain of title. Their claim is only as investors in SLF Series G. The liability of the SLF Defendants (and the individual defendants) in connection with the investments of the Category II Plaintiffs in SLF

Series G is an issue being decided in the Utah Action.<sup>1</sup> The SLF Defendants continue to assert that these claims should continue in Utah; not Florida.

Finally, for reasons set forth in the briefs on file, The SLF Defendants continue to assert that Count III, which remains in the proposed Second Amended Complaint, must be dismissed as time-barred.

DATED: September 10, 2015.

Respectfully submitted.

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<sup>1</sup> Paragraph 5 of the Amended Complaint in the Utah Action [ECF No. 25-1] alleges:

Because not all of the Fraudulent Conveyance Defendants were joined in the Broward County, Florida action, and because the Plaintiffs in that action have the right to recover from all of such Defendants in the event they are not made whole from the Broward County, Florida action, SLF Series G, LLC has been named as a Defendant in this action as well.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Clerk of Court using the CM/ECF system on September 10, 2015, and the foregoing document is being served this day on all counsel or parties of record on the Service List below, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive Notices of Electronic Filing.

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s/ David M. Stahl

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